

# PATENT COOPERATION TREATY

From the:  
INTERNATIONAL SEARCHING AUTHORITY

To:

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## PCT

### WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) 15 APR 2005

Applicant's or agent's file reference  
305444957

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
**PCT/AU2005/000097**

International filing date (day/month/year)  
28 January 2005

Priority date (day/month/year)  
29 January 2004

International Patent Classification (IPC) or both national classification and IPC  
Int. Cl. <sup>7</sup> G06F 17/60

Applicant

OZB2B PTY LTD et al

1. This opinion contains indications relating to the following items:

- |                                     |              |  |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the opinion   |
| <input type="checkbox"/>            | Box No. II   | Priority   |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability   |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention   |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input checked="" type="checkbox"/> | Box No. VI   | Certain documents cited  |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application   |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application  |

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the IPEA/AU  
AUSTRALIAN PATENT OFFICE  
PO BOX 200, WODEN ACT 2606, AUSTRALIA  
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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

**PCT/AU2005/000097**

**Box No. I      Basis of the opinion**

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. format of material  
☐ in written format  
☐ in computer readable form
  - c. time of filing/furnishing  
☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/AU2005/000097

**Box No. V**      **Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims	YES
	Claims 1 – 15	NO
Inventive step (IS)	Claims	YES
	Claims 1 – 15	NO
Industrial applicability (IA)	Claims 1 – 15	YES
	Claims	NO

**2. Citations and explanations:**

Citations:

- a) WO 2001/46833
- b) WO 2000/17797
- c) WO 2001/33449
- d) US 6647374
- e) US 6647373

Novelty (N) and Inventive Step (IS):

Citations a) and b) disclose all of the essential features of the invention as claimed. These citations each disclose an online auction, traditional or reverse, with the option for bidders to set a default maximum or minimum bidding price. These citations also disclose the selection of a bidder or supplier through parameters other than price only. Citation c) discloses all of the essential features of claims 1 to 3, 5 to 9, and 14. This citation discloses an online auction with the option of a default maximum bid. Citations d) and e) each disclose reverse auctions with the rating of bidders or suppliers by a variety of parameters. Combining citation c) with either citation d) or e) clearly discloses all of the features of claims 4, 10 to 13 and 15.

Features such as the first party being a seller and the counterparties competing buyers; and maintaining the confidentiality of a final default bid unless and until it becomes a valid bid are obvious and do not add any novelty conferring features.

The invention of claims 1 to 15 cannot, therefore, be considered to be novel or to involve an inventive step in the light of the above citations.

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

**PCT/AU2005/000097**

**Box No. VI      Certain documents cited**

**1.    Certain published documents (Rules 43bis.1 and 70.10)**

<u>Application No. Patent No.</u>	<u>Publication date (day/month/year)</u>	<u>Filing date (day/month/year)</u>	<u>Priority date (valid claim) (day/month/year)</u>
WO 2005/001597	6 January 2005	5 May 2004	18 June 2003

This document discloses all of the essential features of claims 1 to 3, 5 to 9 and 14. These claims are not novel in light of this document.

**2.    Non-written disclosures (Rules 43bis.1 and 70.9)**

<u>Kind of non-written disclosure</u>	<u>Date of non-written disclosure (day/month/year)</u>	<u>Date of written disclosure referring to non-written disclosure (day/month/year)</u>
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